

1 COMMENT SET 7: MOSS LANDING HARBOR DISTRICT

----- Original Message -----

Subject: Comments to DEIR MARS Cabled Observatory
 Date: Tue, 26 Apr 2005 15:12:48 -0700
 From: Linda G. McIntyre <mcintyre@mosslandingharbor.dst.ca.us>
 To: <jenkins@slc.ca.gov>
 CC: <deirdre.hall@noaa.gov>

The comments of the Moss Landing Harbor District regarding this project are:

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| 1. The District is concerned with possible interference with fishing, the fishing industry and fishing interests, some of which are outlined in the Alliance of Communities for Sustainable Fisheries comment letter of even date. | 7-1 |
| 2. The District cannot support the positioning of any part of the cable in a location that has the potential to interfere in any way whatsoever with the Harbor District's or the Army Corps' dredging projects. | 7-2 |
| 3. Any part of the cable planned for positioning within the Harbor District's jurisdiction will require an application for a permit from the Moss Landing Harbor District. | 7-3 |
| 4. The project proponent will need to negotiate with the Harbor District lease or other appropriate fee structures to compensate for the use of any of the Harbor District's lands or submerged tidelands or otherwise for this project. | 7-4 |
| 5. Neither the construction of the project nor the existence of the final cable, if any, can interfere with navigation. | 7-5 |
| 6. The project proponent will need to coordinate with the Moss Landing Harbor District at every stage of the project, if any. | 7-6 |

Thank you for considering the comments of the Moss Landing Harbor District regarding this project.

Sincerely,

Linda G. McIntyre, Esq.

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RESPONSE TO COMMENT SET 7: MOSS LANDING HARBOR DISTRICT

E-mail dated April 26, 2005

7-1. Potential impacts on commercial and recreational fishing are discussed in Section 4.2 of the Draft EIR/EIS. Please also see the responses to the comments from the Alliance of Communities for Sustainable Fisheries (Comment Set 5).

7-2. Comment acknowledged. The Lead Agencies have not been presented with any additional information in the record to indicate that any of the alternatives would interfere with harbor dredging projects. At the end of Section 4 in the Draft EIR/EIS is a discussion of the SF-12 Dredge Disposal Site, which is located near the planned MLML pier. Cable installation for Alternative Landing Area 2 would occur in the general vicinity of SF-12, but would not interfere with the use of the dredge disposal site. The proposed Project will require permits from the Corps of Engineers (see Table 2.7-1 in the Draft EIR/EIS) in addition to the approvals required from the CSLC, MBNMS, and other agencies. These considerations will ensure that the proposed Project will not interfere with required dredging activities.

7-3. As described in Section 1.4.7 of the Draft EIR/EIS, the proposed Project acknowledges the jurisdiction of Moss Landing Harbor District. Table 2.7-1 of the EIR/EIS indicates that a Special Activities Use Permit or similar approval would be required from the Moss Landing Harbor District for the portion of the proposed Project traversing the District's jurisdiction.

7-4. Thank you for the information.

7-5. Section 4.7 of the Draft EIR/EIS discusses the proposed Project's potential to interfere with marine vessel traffic in the vicinity of Moss Landing Harbor. The proposed Project would not result in significant delays since HDD would not interfere with vessel traffic. Cable-laying activities associated with Alternative Landing Areas 1 and 2 have the potential to create significant delays (several hours) to marine vessel traffic at the entrance to Moss Landing Harbor. See Section 4.7.6 of the Draft EIR/EIS for the analyses of such potential impacts and the recommended mitigation measures.

7-6. Comment acknowledged. Section 2.4 of the Draft EIR/EIS indicates that the Applicant has committed to notify the Moss Landing Harbor District to ensure the District is aware of the timing of cable laying operations and to work with the

- 1 District to provide notice of cable laying to vessels that operate out of Moss
- 2 Landing Harbor (Draft EIR/EIS, page 2-28, lines 1-4).